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PATENT APPLICATION

ATTORNEY DOCKET NO. 300202208-2

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Fabio GIANNETTI

Confirmation No.: 4003

Application No.: 10/669,056

Examiner: Hieu T. Hoang

Filing Date: September 24, 2003

Group Art Unit: 2452

Title: A METHOD AND APPARATUS FOR DATA TRANSMISSION TO REMOTE DEVICES (as amended)

Mail Stop Appeal Brief - Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on December 18, 2009.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,

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Attorney Docket No.: 300202208-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Inventor(s):</b>	Fabio Giannetti	<b>Confirmation No.:</b>	4003
<b>Serial No.:</b>	10/669,056	<b>Examiner:</b>	Hieu T. Hoang
<b>Filed:</b>	September 24, 2003	<b>Group Art Unit:</b>	2452
<b>Title:</b>	A METHOD AND APPARATUS FOR DATA TRANSMISSION TO REMOTE DEVICES (as amended)		

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF - PATENTS**

Sir:

The Appellant respectfully submit this Reply Brief in response to the Examiner's Answer mailed on December 18, 2009, and thus, this Reply Brief is timely filed within two months of the Examiner's Answer.

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**PATENT**

Atty Docket No.: 300202208-2

App. Ser. No.: 10/669,056

**(1) Status of Claims**

Claims 1, 2, 7-17, 19 and 24-27 are pending in the application.

Claims 3-6, 18 and 20-23 have been cancelled without prejudice or disclaimer of the subject matter contained therein.

Claims 1, 2, 7-17, 19 and 24-27 stand rejected and are at issue on this appeal.

**(2) Grounds of Rejection to be Reviewed on Appeal**

A. Whether claims 1, 2, 7-17, 19 and 24-27 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Han et al. (WebSplitter: A Unified XML Framework for Multi-DeviceCollaborative Web Browsing, hereinafter “Han”) in view of Applicant Admitted Prior Art (Fig. 8a, 8b, 8c, 8d, and corresponding description sections of 8a, 8b, 8c, 8d in the specification, hereinafter “AAPA”).

**(3) Arguments****A. The rejection of claims 1, 2, 7-17, 19 and 24-27 under 35 U.S.C. §103(a) as being unpatentable over Han further in view of AAPA should be reversed**

In setting forth the rejection of independent claims 1, 10, 13, 15, 16, 17, 19, 24, 25, and 27, the Examiner correctly notes that Han fails to disclose identifiers that provide an indication of the importance of a portion of data relative to other portions of the same data. The Examiner, however, erred in asserting that it would somehow have been obvious to one of ordinary skill in the art to modify Han to incorporate the identifiers discussed with respect to Figures 8a-8d, which comprise the APAA, for at least the following reasons.

Han discloses a computer application called “WebSplitter” that “splits a requested Web page and delivers the appropriate partial view of each page to each user, or more accurately to each user’s set of devices.” *Han*, Abstract. In the Abstract, Han also discloses that the determination of how the web pages are split is based upon the access privileges of each user as well as the capabilities of the user devices. Han further discloses a policy file that “provides the information that enables the WebSplitter application to determine what portions of a Web presentation may be seen by which users.” *Han*, Section 2.2, par. 1. Thus, for instance, the author of the web presentation may define privilege groups based upon the statuses of the users, such as, between lecturers and students. *Han*, Section 2.2., par. 2. More particularly, the author determines which tags (sections of the Web page) each privilege group is allowed to access.

In one regard, therefore, Han discloses that the author specifies which sections of the Web pages are accessed by which of the users according to their classified groupings.

Accordingly, Han discloses that it is the users that are classified, for instance, according to their level of importance or other relevance factor with respect to the author of the Web page, as opposed to the sections of the Web page. As such, Han is not at all concerned with the importance of the sections of the Web page with respect to other sections of the Web page.

Because Han discloses that the users are classified, the assertion by the Examiner that it would have been obvious to modify Han to incorporate the identifiers of the data as discussed in the APAA is incorrect. In other words, there appears to be no reasonable justification for the proposed modification because the use of identifiers to indicate the importance of the sections of a Web page in Han is contradictory to the original intent of Han, which is to classify the users. In fact, the proposed modification of Han based upon the disclosure contained in the APAA would likely render Han unsatisfactory of its intended purpose of allowing authors to set policy files to limit access based upon the manner in which users are classified or grouped. As such, there is no suggestion or motivation to make the modification proposed by the Examiner. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Moreover, the modification proposed by the Examiner would change the principle of operation of Han because the proposed modification appears to result in the removal of the need in Han for authors to set policy files according to the user classifications because the data contained in the Web pages would be classified according to their level of importance with respect to each other. As such, the teachings in Han and the APAA are insufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Accordingly, regardless of the validity of the arguments set forth by the Examiner on pages 22-24 of the Examiner's Answer, it is respectfully submitted that the Examiner has failed to establish that Han can properly be modified based upon the APAA. For at least the foregoing reasons, therefore, the Examiner has failed to establish that claims 1, 2, 7-17, 19 and 24-27 are obvious in view of the combination of Han and the APAA as proposed by the Examiner.

The Board is therefore respectfully requested to reverse the rejection of claims 1, 2, 7-17, 19 and 24-27 as being unpatentable over the proposed combination of Han and the APAA.



**PATENT**

Atty Docket No.: 200403508-1

App. Ser. No.: 10/954,816

**(4) Conclusion**

For at least the reasons given above, the rejection of claims 1, 2, 7-17, 19 and 24-27 is improper. The Appellant therefore respectfully requests that the Board of Patent Appeals and Interferences reverse the Examiner's decision rejecting claim 1, 2, 7-17, 19 and 24-27 and to direct the Examiner to pass the case to issue.

Please grant any required extensions of time and charge any fees due in connection with this Reply Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: February 18, 2010

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